

REMARKS

The Board of Appeals has affirmed the rejection of Claims 1, 3, 5-6, 10, 15-16, 19-20, 25-26, and 34-38 under 35 U.S.C. 103(a) as being unpatentable over Doub (U.S. Patent No. 6,594,762), in view of Lunsford et al. (U.S. Patent No. 6,614,350), and in further view of Logan (U.S. Patent No. 6,631,271). Additionally, the Board of Appeals has affirmed the rejection of Claims 14 and 24 under 35 U.S.C. 103(a) as being unpatentable over Doub, in view of Lunsford, in view of Logan, and in further view of Parker (U.S. Patent Publication No. 2002/0078393). Further, the Board of Appeals has affirmed the rejection of Claims 29, 31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Doub, in view of Lunsford, in view of Logan, and in further view of Lenz (U.S. Patent Publication No. 2001/0053947).

In response to the affirmation of the rejections under 35 U.S.C. 103(a), applicant has amended the independent claims to further distinguish applicant's claim language from the relevant references relied upon by the Examiner.

Specifically, applicant has amended the independent claims to further distinguish applicant's claim language from the relevant references relied upon by the Examiner, as follows:

“wherein the identifying signal includes information pertaining to a battery status of the device” (see this or similar, but not necessarily identical language in the independent claims);

With respect to the above subject matter now incorporated into the independent claims, applicant respectfully asserts that Doub merely discloses that “the electronic device transmits a transmit signal to the remote device which responds by transmitting a reply signal if the electronic device and the remote device are located within the transmit range of each other” (Col. 2, lines 10-13). Additionally, applicant notes that Lunsford merely discloses that “[e]ach device transmits an identifiable RF signal at regular time

intervals and each device is enabled to search for the transmitted RF signal from every other device within the security web” (Col. 2, lines 54-58). Further, applicant notes that Logan merely discloses that “positional data derived from... inquiries is passed to a rules processor which initiates defined actions when one or more of the rules are satisfied” (Abstract).

However, merely disclosing the transmission of a reply signal, as in Doub, the transmission of an identifiable RF signal, as in Lunsford, and the derivation of positional data from inquiries, as in Logan, fails to disclose a technique “wherein the identifying signal includes information pertaining to a battery status of the device” (emphasis added), as claimed by applicant. Nowhere in the above excerpts does “the identifying signal includ[e] information pertaining to a battery status of the device” (emphasis added), as specifically claimed by applicant.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Thus, a notice of allowance or a proper prior art showing of all of applicant’s claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 39-41 below, which are added for full consideration:

"wherein the control unit is a wrist-worn device" (see Claim 39);

"wherein, in response to the alert, the device is added to a list of lost or stolen devices" (see Claim 40); and

"wherein the control unit is configured to attempt to initiate handshakes with multiple missing devices" (see Claim 41).

Again, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

To this end, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P312).

Respectfully submitted,
Zilka-Kotab, PC

/KEVINZILKA/

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100